

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1055

5 By: Representative Hammer
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For An Act To Be Entitled

8 AN ACT TO AMEND THE DEFINITION OF "MARITAL PROPERTY"
9 FOR PURPOSES OF DIVISION OF PROPERTY IN AN ACTION FOR
10 DIVORCE; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO AMEND THE DEFINITION OF "MARITAL
15 PROPERTY" FOR PURPOSES OF DIVISION OF
16 PROPERTY IN AN ACTION FOR DIVORCE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Findings and legislative intent.

22 The General Assembly finds and determines that:

23 In light of the recent Supreme Court case Moore v. Moore, 2016
24 Ark. 105 (2016), and in the context of division of marital property in an
25 action for divorce, the common law doctrine of "active appreciation"
26 established by the Supreme Court in Layman v. Layman, 292 Ark. 539, 731
27 S.W.2d 771 (1987), should be reflected in the law in order to ensure
28 continuity and reasonable predictability in divorce proceedings.
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30 SECTION 2. Arkansas Code § 9-12-315(a), concerning the division of
31 property, is amended to add an additional subdivision to read as follows:

32 (5) When a spouse acquires property before the marriage and the
33 property increases in value during the marriage as a result of time, effort,
34 or skill of a spouse, there shall be a presumption that the appreciated value
35 of the property that results from the time, effort, or skill of the spouse is
36 marital property.



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2 SECTION 3. Arkansas Code § 9-12-315(b)(5), concerning the division of
3 property, is amended to read as follows:

4 (5)(A) The increase in value of property acquired prior to
5 marriage or by gift or by reason of the death of another, including, but not
6 limited to, life insurance proceeds, payments made under a deferred
7 compensation plan, or an individual retirement account, and property acquired
8 by right of survivorship, by a trust distribution, by bequest or inheritance,
9 or by a payable on death or a transfer on death arrangement, or in exchange
10 therefor;

11 (B) However, when the increase in the value of the
12 property in subdivision (b)(5)(A) of this section resulted from the time,
13 effort, or skill of a spouse, there shall be a presumption that the
14 appreciated value of the property that results from the time, effort, or
15 skill of the spouse is marital property.